

**LAMPREY RIVER WATER MANGEMENT PLANNING AREA ADVISORY  
COMMITTEE (WMPAAC)**

**Informational Session  
Friday January 21, 2005**

**Session attendees:**

Wesley East-UNH Water Treatment Plant  
Jim Fernald-Fernald Lumber  
Rep. Frank Bishop, Town of Raymond  
Therese Thompson-Pawtuckaway Lake Assoc.  
Thomas Fargo-Strafford Regional Planning Comm.  
Jay Odel-The Nature Conservancy  
Richard Wellington-Town of Lee  
Victoria Del Greco-Exeter Public Works  
Dawn Genes, Lamprey River Watershed Assoc.  
Michelle Daley-UNH  
Glenn Caron-Scenic Nursery  
Ann Caron-Scenic Nursery  
Michael Lynch-Durham Public Works  
Robert Levesque-Durham Public Works  
Kevin Webb- Durham Conservation Commission  
Brian Giles-Lamprey River LAC  
Rep. Richard Cooney  
Jamie Fosburgh-National Park Service  
Judith Spang-Lamprey River LAC

Wayne Ives of NH DES opened the session at 9:35 AM.

***INTRODUCTION AND COMMITTEE STATUS***

He began by saying this session was an unofficial meeting and was intended to be informational. He added that the names of the people attending had been sent to the Governor and are considered to be the committee. The members have been asked to contact their Executive Councilor or State Representative. The final approval is by Governor and Council vote and is expected to happen on Jan. 26, 2005. When the G&C approval is complete, the members will sign an oath of office and it will be notarized. He said the reason for the session today is to explain the goals of this group and the companion group, the Technical Review committee. During the informational session two members will be chosen to be part of the consultant selection committee. The consultant selected will do the Protected In-stream Flow Study and the Water Management Plan. There will also be two people from the Technical Review committee chosen to be on the consultant selection committee and two from NH DES. That six-

member team will convene after reviewing the packets from the seven companies who responded to the Request for Qualifications. He told the group there are two copies of each packet that will be given to the members who are chosen. They will take them home to review. Ives said the six-member committee will meet February 7, 2005 to discuss the qualifications of each company and to make a decision.

### ***DISCUSSION OF PILOT PROGRAM AND DUTIES OF WMPAAC***

Ives informed the group that the pilot program only applies to the Lamprey and the Souhegan rivers. Until the pilot program is finished there will be no in-stream flow programs on the other rivers. This program needs to be done in a timely way and it needs to be done well so they can go forward with the other rivers. People will be scrutinizing this pilot to see how it will affect their issues on other designated rivers. The pilot program got funding from the legislature in 2003 through the General Funds and that money paid for the consulting work on the Souhegan. There is funding from NOAA that will be used for consulting costs pending Governor and Council approval. At the end of this process there will be a review of the pilot programs, a public hearing and a legislative report.

Ives then went through how DES manages water withdrawals within the state. Riparian rights are the rights that waterfront property owners have to withdraw water and those rights have been a common law issue over the course of centuries. The state says waterfront property owners can draw water from a water body for reasonable uses as long as it does not impact downstream users. The other part of the process is the public trust doctrine, which means the state has a responsibility to the public as a whole. It protects issues such as the biological integrity, fisheries and recreational uses that are not solely for the riparian owners but for the citizens of the entire state.

Ives described some Lamprey watershed features. The Lamprey Designated River is 12 miles long through the towns of Durham and Lee and has a number of large tributaries. The state is able to protect flows on the designated river itself but that provides only limited protection on the tributaries. Bunker Pond Dam is the beginning of the Wild and Scenic federal designation and this overlaps the Designated River on the Lamprey. The watershed is 212 square miles. Ives told the group that the water users' withdrawals, both sources and discharges, would be assessed during the study.

Mr. Ives went through a Power Point presentation and told members that they can refer to it and other handouts on the DES website. [www.des.state.nh.us/](http://www.des.state.nh.us/) He referred to and explained the PISF section of the binder that was distributed to the group and explained that the task will be to compile a list and then whittle it down to the flow-dependant aspects. Under the Management Plan, each water user and dam owner will have a plan. Each one has some component that when conditions meet a certain level, they will take some type of action. They include a conservation plan and a water use plan.

Ives continued by saying one of the activities for doing the protected in-stream flow study is research to include local knowledge and facts from this committee. The protected

entities will need to be identified and evaluated to see if they are actually occurring and where they are occurring. There will then be a proposed flow level drafted and taken to a public hearing where comments from the public will be received. The draft will be revised, finalized and established by DES. He then explained the Water Management Plan. He said after the flows are established there will be an effort to determine how they affect people based on historical water flows in the river. The affected dam owners and water users are interviewed to determine how they are affected, what conditions are important to them and how they use the water so that the consultant can identify alternatives for the WMP. Once the alternatives are identified and where/when the problems might be occurring, then they can start putting a plan together. Costs are important so before the WMP is established they will identify what people are being asked to do and what it is likely to cost. The WMP will go through the same process as the in-stream flow level document before it is finalized. He went on to explain who the affected water users are. If they are not within 500 feet of the designated river they are not in that defined group. If a dam is smaller than 10 acres, they are not included.

Ives spoke about the reason and the way in which the committees were formed. The technical review committee is made up of government agency officials such as NH Fish and Game, EPA, USGS, US Fish and Wildlife Service and people who have technical water management background that represent business interests as well as conservation interests. That mix will ensure that there is a balance to the committee and that there is enough technical skill to advise the group on the methods and results.

The WMPAAC committee will represent stakeholders, like affected water users and government. The committee will be responsible for providing local knowledge to the department and to give feedback on the amount of emphasis being placed upon any one segment of the study and help to keep the focus on the priorities. Another important part of the WMPAAC committee's process is to make sure the responsibilities are shared fairly by the people who are affected by this Management Plan. The assistance from the committee in the process, from identifying the protected entities through to the final Watershed Management Plan, is going to be vital. The committee will meet on an irregular basis depending upon where the process stands. The next meeting will be to elect a chair and vice chair and the committee will be running the meetings from then on.

### ***OTHER BUSINESS***

Ives asked for two members to volunteer to be the consultant selection committee. The committee will review the consultants' qualifications packages and rank them. The entire six-member selection committee will meet on February 7, 2005 to review the rankings. Kevin Webb, Durham Planning Board and Bob Levesque, Durham Public Works are the members.

Brian Giles, Lamprey River LAC, asked what role the consultant will play. Mr. Ives said DES is required to do these studies so has decided to hire a contractor to expand upon the *in-stream public uses, outstanding characteristics and resources* preliminary list and establish where and how important they are on the river. They will then assess the flow

needs for those entities and develop the Water Management Plan, which is made up of the conservation plan and water use plan for the water users, and the dam management plan. DES will coordinate the consultant's activities. A scope of work/performance guideline has been developed for the Souhegan and will be developed for the Lamprey. The next step is to ask the consultants for proposals which will explain, in detail, how they will accomplish that. The selection committee will determine who has the best proposal.

Ives reiterated that during the next meeting the chairman and the vice chair will be elected. Tom Fargo, Strafford Regional Planning Commission, mentioned that all the potential committee members got a letter from the Governor's office suggesting they contact the Executive Councilors. Mr. Ives suggested they do that and discussion followed about how to get in touch with them. It was suggested that all Counselor members be contacted because they will all be voting on it.

Ives then referred the committee to the Affected Water Users page in the binder. If there are any new entities found they will be added to the list because the impact of their water withdrawal needs to be part of the process. The following pages show the Affected Dam Owners list. The consultants will get these lists as well as the data showing how much water is being used, etc.

Ives went through the rest of the binder. He asked that the members focus on the last division containing Rules and Statutes that are applicable to these studies. He asked them to turn to RSA 483:9-c, Establishment of Protected In-stream Flows. Tom Fargo asked if the Souhegan study is following the same process with the exception of the consultant and if this committee might benefit from seeing the work they have completed at this point. Ives said the scope of work for the Souhegan is on the website and you can email him with any comments you might have. He said the funding came in earlier for the Souhegan and they were able to hire a consultant some time ago. They are in the process of doing the assessments for the protected in-stream flow for the IPUOCR entities that were identified as flow-dependant. The IPUOCRs have been identified and the WMPAAC looked them over. They made some additions and changes. The consultant went into the field in June and did a survey of what was there including photographs and identified where their study reaches were going to be. They have nine study reaches and each of them is about ¼ to a mile long and each of them will be studied in detail and the results extrapolated immediately to the area around them. They will go into the field again next summer when there is a low flow period so the Lamprey study will likely catch up to the Souhegan if the consultant is hired by spring and they can get their study during the field season this spring, summer and fall. So the two studies may be on a par by early winter. The Souhegan group is contacting all the affected water users and dam owners to let them know the process has begun and the Lamprey group will do the same once the consultant is hired. Ives said he would send out notices of meetings to the water users/dam owners. Rep. Frank Bishop, Raymond, asked if Ives would be publicizing the meetings. Ives said he posts the meetings at DES, the Water Council, town halls, Rivers Management Advisory Committee and to the local Advisory Committee and he will be glad to send it to any member who wants to post it on a

bulletin board. He asked if members have other suggestions for meeting places and said the meetings will likely be held on Monday mornings.

Jay Odell volunteered to be part of the consultant review team since Kevin Webb will not be able to attend the meeting on Feb. 7, 2005. Discussion followed regarding the companies who responded to the RFQ. Adjourned at 10:45